REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks.

Election/Restrictions

Applicants hereby confirm the election, without traverse, to prosecute the invention of Group I, claims 1-52, in the present application.

35 U.S.C. § 112 Rejection - First Paragraph

Claims 13, 28 and 40 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The undersigned conducted a telephone call with Examiner Antonio Cuchera on April 12, 2006. During the telephone call, the rejection of this section was discussed. It was agreed by the undersigned and the Examiner that the claims should not have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Rather, the claims may instead have been more properly rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter. Applicants indicated that they would attempt to amend the claims in order to make them more clear. The Examiner indicated he would provide a more complete interview summary.

Claims 13, 28 and 40 have been amended herein to overcome the rejection. Accordingly, Applicants respectfully request that the rejection of claims 13, 28 and 40 be withdrawn.

35 U.S.C. § 112 Rejection - Second Paragraph

Claims 9 and 11 have been rejected under 35 U.S.C. §112, second paragraph. Claims 9 and 11 have been amended to overcome the rejection. Accordingly, Applicants respectfully request that the rejection of claims 9 and 11 be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1-2, 4-5, 8-14, 16-20, 23-29, 31-32, 35-41, 43-46, and 49-52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,956,015 issued to Hino (hereinafter "Hino"), in view of U.S. Patent No. 6,441,857 to Wicker et al. (hereinafter "Wicker").

As an initial matter, Applicants respectfully submit that Hino and Wicker should not be combined. There is no suggestion nor motivation, either in the references themselves, or in the knowledge generally available to one skilled in the arts to combine the references as proposed by the Examiner.

Furthermore, Hino pertains in part to "*color matching a display output on the monitor with a hard copy on an **image-carrying medium such as paper***" (see e.g., Field of the Invention). As such, Hino pertains in part to color matching in **scanners**. See e.g., column 1, lines 12-22. In contrast, Wicker pertains in part to "horizontally scaling computer **video** data for display on a **television**". See e.g., the Title. In particular, Wicker pertains in part to "*conversion from one **video** signal format to another*". See e.g., the Field of the Invention. Applicants respectfully submit that these are non-analogous arts. As discussed in the MPEP 2141.01(a), to rely on a reference under 35 U.S.C. 103, it must be analogous prior art. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem

with which the invention was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). Applicants respectfully submit that the techniques discussed in Wicker would not logically have commended themselves to an inventors attention when he/she was considering the problems discussed in Hino. Further an inventor could not possibly be aware of every teaching in every art. In re Wood, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979).

Accordingly, for at least one or more of these reasons, Hino and Wicker should not be combined.

Furthermore, the proposed combination of Hino and Wicker does not teach or suggest all of the limitations of the independent claims as presently amended. By way of example, claim 1 recites in part "***compensating for one or more selected from a change in backlight intensity and a change in ambient brightness by modifying, in the second color space, a color intensity for one or more portions of the image***". The combination of Hino and Wicker do not teach or suggest this limitation.

Accordingly, for at least one or more of these reasons, independent claims 1, 13, 28, 40, and 76, as well as their respective dependent claims, are believed to be allowable.

35 U.S.C. § 103 Rejection

Claims 3, 6-7, 15, 21-22, 30, 33-34, 42, and 47-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hino, Wicker, and the article "Video Demystified, Second Edition", by Keith Jack (hereinafter "Jack").

As discussed above, Hino and Wicker should not be combined. For at least this reason, Applicants elect not to address other aspects of the rejection of these dependent claims at this time.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: April 12, 2006

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